

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM JACKSON,

Plaintiff,

v.

TEMPLE UNIVERSITY,

Defendant.

CIVIL ACTION

NO. 20-1421-KSM

ORDER

AND NOW, this 27th day of September, 2021, upon consideration of Defendant's Motion to Dismiss (Doc. No. 3) and Plaintiff's opposition brief (Doc. No. 9), it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Count II of the complaint is **DISMISSED WITHOUT PREJUDICE** in its

entirety. If Plaintiff can in good faith cure the defects identified in the accompanying Memorandum, he may file an amended complaint as to Count II. Any amended complaint shall be filed by **October 8, 2021**.

2. Counts IV, V, and VI of the complaint are **DISMISSED WITH PREJUDICE** to the extent that Plaintiff's ADA retaliation claims are based on a failure to accommodate.

3. The remainder of the motion is **DENIED**.

IT IS FURTHER ORDERED that counsel for the parties shall meet and confer and jointly propose case management deadlines for the Court's consideration by **October 13, 2021**.

IT IS SO ORDERED.

/s/*Karen Spencer Marston*

KAREN SPENCER MARSTON, J.